

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RSG, INC., a South Dakota corporation, R GROUP, INC., an Iowa corporation, and RANDALL S. GOLDEN, an individual,)	
)	8:06CV507
Plaintiffs/Creditors,)	ORDER
)	
v.)	
)	
SIDUMP'R TRAILER COMPANY, INC., a Delaware corporation,)	
)	
Defendant/Debtor.)	

This matter is before the court on Plaintiffs' motion for leave to conduct a debtor's exam ([filing 315](#)). On January 10, 2011, Plaintiff obtained a judgment over Defendant Sidump'r Trailer Company, Inc. ("STC") in the amount of \$104,500, plus interest at the legal rate from and after April 16, 2010 ([filing 302](#)). Plaintiffs' motion requests that the court compel Defendant STC to appear and answer questions concerning its property and, additionally, produce the documents listed in Exhibit 1, which is attached to Plaintiffs' motion and attached hereto. For the reasons set forth below, Plaintiffs' motion will be granted.

The Federal Rules of Civil Procedure specifically provide the right to post-judgment discovery "[i]n aid of the judgment." Fed. R. Civ. P. 69(a) (a judgment creditor "may obtain discovery from any person . . . as provided in these rules or by the procedure of the state where the court is located."). Nebraska law provides that the judgment creditor is "entitled to an order . . . requiring the debtor to appear and answer concerning his or her property before the judge . . . at a time and place specified in the order[.]" Neb. Rev. Stat. § 25-1565. Thus, a judgment creditor has the right to a debtor's exam as a matter of law.

Accordingly,

IT IS ORDERED:

1. Plaintiffs' motion for leave to conduct a debtor's examination (filings 315) is granted.
2. Defendant STC, through its designated officer or member, shall appear before the undersigned to testify on **Friday, August 26, 2011 at 11:00 A.M.**, Courtroom 6, 2nd Floor, Roman L. Hruska Courthouse, 111 So. 18th Plaza, Omaha, Nebraska, 68102.
3. Defendant STC shall produce all books, records, documents, papers and other materials that contain information concerning its assets, property, income or indebtedness, including those specified in Exhibit 1 attached hereto, at the hearing and shall provide copies of those documents to Plaintiffs' counsel at least seven business days before the hearing.
4. Plaintiffs' counsel shall serve a copy of this order, together with copies of Exhibit 1 of its motion (filings 315-1), on Defendant STC in the manner provided by Fed. R. Civ. P. 4 and Plaintiffs shall file a certificate of service with the court

DATED August 4, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**

EXHIBIT 1

YOU ARE COMMANDED TO BRING WITH YOU AT THE EXAMINATION ALL BOOKS, RECORDS, PAPERS, DOCUMENTS OR OTHER MATERIALS IN YOUR POSSESSION OR OVER WHICH YOU HAVE CONTROL, WHICH DO OR MAY CONTAIN INFORMATION CONCERNING THE ASSETS, PROPERTY; INCOME AND INDEBTEDNESS OF SIDUMP'R TRAILER COMPANY, INC. (THE "JUDGMENT DEBTOR"), INCLUDING BUT NOT LIMITED TO:

1. Business tax returns with all schedules for any and all businesses or legal entities that Sidump'r Trailer Company, Inc. was or is involved in (whether by ownership, management, or employment of any kind) for the five years prior to the date of judgment, i.e., tax years 2007, 2008, 2009, 2010, 2011)
2. Account Statements from financial institutions at which the Judgment Debtor Sidump'r Trailer Company, Inc. maintains, has or had an interest in any accounts from January 1, 2007, to the present.
3. Bank records for bank accounts in which the Judgement Debtor Sidump'r Trailer Company, Inc. maintains control over or has or had any interest (whether as owner or a signatory), including but not limited to signature cards, canceled checks, bank statements, check ledgers, cash journals and deposit tickets for the period January 1, 2007, to the present.
4. Document of title for all real property and all titled personal property including but not limited to automobiles, boats and/or planes of the Judgment Debtor Sidump'r Trailer Company, Inc., owned from January 1, 2007, to the present, along with any documents related to any transfers of any such real or personal property from the Judgment Debtor Sidump'r Trailer Company, Inc. to any other party from January 1, 2007, to the present.
5. Accounts receivable journals, Profit and Loss Statements, Balance Sheets, and Statements of Cash Flow whether audited or unaudited of the Judgment Debtor Sidump'r Trailer Company, Inc. from January 1, 2007, to the present.
6. Loan closing books including but not limited to notes, security agreements, mortgages, guarantees, financing statements and proof of disbursements of the Judgment Debtor Sidump'r Trailer Company, Inc.
7. Transactional closing books of the Judgment Debtor Sidump'r Trailer Company, Inc.
8. Casualty insurance policies with schedules and endorsements of the Judgment Debtor Sidump'r Trailer Company, Inc. from January 1, 2007, to the present.
9. Stock Certificates, Articles of Incorporation, Bylaws, and/or any other documents related to the ownership, control, or beneficial interest in any business, trust, and/or other asset holding entity of or in which the Judgment Debtor Sidump'r Trailer Company, Inc. maintains any interest either directly or indirectly or has had any such interest whether directly or indirectly since January 1, 2007.

10. All documents referring to, relating to or describing any property or assets of Sidump'r Trailer Company, Inc., whether the property or assets are held in trust or otherwise, including, but not limited to, all real property owned by these entities from January 1, 2007, to the present.

11. All documents referring or relating to the transfer or proposed transfer of any property (including real property) or assets of Sidump'r Trailer Company, Inc. to any person or entity for any purpose from January 1, 2007, to the present.

12. All documents referring or relating to any obligations of the Judgment Debtor Sidump'r Trailer Company, Inc. existing as of the date of the service of this citation, including, but not limited to, judgments, mortgages, contract obligations, promissory notes and any other debts

13. All documents referring or relating to any obligations of third parties to the Judgment Debtor Sidump'r Trailer Company, Inc., including, but not limited to, mortgages, contract obligations, promissory notes and any other obligations

14. All documents referring or relating to any plans, efforts, actions, agreements or contracts
(a) to transfer, sell or other-vise dispose of any property or assets of the Judgment Debtor Sidump'r Trailer Company, (b) to pay any creditor of the Judgment Debtor Sidump'r Trailer Company, Inc. or satisfy any obligation of the Judgment Debtor Sidump'r Trailer Company, Inc.; and (c) to settle any claim, controversy, or lawsuit against or in favor of the Judgment Debtor Sidump'r Trailer Company, Inc.